

REMARKS

Claims 1-28 are pending. Claims 1-7, 9-22, and 24-28 stand rejected, and claims 8 and 23 are under objection. Applicant respectfully submits the following remarks along with a Request for Continued Examination. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

The Examiner rejected claims 1-6, 9-21, and 24, 25, and 28 under 35 U.S.C. §103(a) as being unpatentable over Smith (UK Patent No. 2,145,257). The Examiner also rejected claims 7 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Smith as applied to claims 6 and 21 and further in view of Welch et al. (U.S. Patent No. 4,121,204); and rejected claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Smith as applied to claims 18 and 19 and further in view of Yamagishi et al. (U.S. Patent No. 6,178,338). Applicant respectfully requests reconsideration in light of the following remarks.

Applicant submits that independent claims 1, 2, 18, and 19, and those claims depending therefrom, are patentable over the cited references because not all of the claimed elements have been shown as required. As just one example, each independent claim includes a data input means with a loop-shaped range, wherein the range is defined to have or be divided into a variable number of sections equal to a variable number of items. A user can thus select one of the variable number of items by selecting one of the corresponding variable number of sections of the input range.

As to claims 1 and 18, the Examiner states on page 2 of the Office Action that Smith teaches “defining within the range a variable number of sections equal to the variable number of items (26-29, abstract, pages 3, lines 11-23).” The Examiner repeats this assertion with respect

to claims 2 and 19 on page 4 of the Office Action and again in response to Applicant's arguments on page 11 of the Office Action. However, Applicant respectfully submits that the portions of Smith which the Examiner points to do not actually disclose a variable number of sections within the input range as the Examiner suggests.

For example, reference numbers 26-29 in Smith clearly reference four quadrants of the display 24 and not a variable number of sections of an input range. See Smith, p. 3, lines 11-12, as well as FIGS. 6-8, described on p. 2, line 29 as "views of one form of visual display" (emphasis added). In addition, Smith's abstract describes selecting "a particular area or point on the display by operating the appropriate switches," but makes no mention of a changing or variable number of input sections matching a changing or variable number of items or display regions. While Smith describes, on p. 3, lines 11-23, selecting particular quadrants or sub-quadrants by operating particular switches (i.e., selecting upper left-hand quadrant 26 with upper left-hand switch 17; selecting upper right-hand quadrant 31 with upper right-hand microswitch 18; selecting lower left-hand sub-quadrant 34 with lower left-hand microswitch 19), Smith fails to describe a variable or a changing number of input sections.

Indeed, contrary to the instant invention as presently claimed, Smith teaches that in any embodiment, there are a fixed number of switches defining a fixed number of selectable input regions, and requires that the number of selectable items be grouped or sub-grouped into a number of groups, sub-groups or items corresponding to the fixed number of selectable input regions as defined by the fixed number of switches. Given a particular hardware configuration, (e.g., four switches), the number of selectable input sections is fixed. This is contrary to the present invention in which the number of selectable regions is variable, and therefore the selectable items do not need to be grouped or sub-grouped into a number of groups, sub-groups

or items corresponding to a fixed number of selectable input regions. This greatly enhances the efficiency of the selection means and method of the present invention compared to the arrangement taught in Smith.

While Smith discloses the use of two simultaneous switches to select an input section between two switches, nonetheless Smith teaches the use of a fixed, and not variable, number of selectable input regions that are a function of the fixed number of switches. The user is in effect always choosing from the same number of input sections—even if some of the input sections do not correspond to any selectable display region.

While Smith teaches that “any other suitable number of microswitches may be mounted within the casing”, it is submitted that this is not a disclosure of a variable number of selectable sections as required by the claimed invention. According to the teaching in Smith, in any embodiment, there will be a fixed number of microswitches provided within the casing. For different embodiments, there may be a different number of microswitches (for example in the described embodiment for selecting letters four microswitches are provided, but in an embodiment where the user will only ever need to select between two options, such as between “Yes” and “No”, the casing may include only two switches), however the number of microswitches will be selected for a particular casing and will not be changed during use.

The Examiner asserts on page 11 of the Office Action that in Smith “the user chooses between several sections depending upon which section the user is selecting.” Applicant is unclear of the Examiner’s meaning here and respectfully requests the Examiner clarify the remark. Applicant submits that while a user may select different items by selecting one of several different display regions or subsets within the display regions, the user is provided with the same number of input sections (e.g., switches 17-20) irrespective of the display region or

subset selected. And while Smith may provide different numbers of inputs or switches in different hardware embodiments, in any given hardware embodiment the number of input sections, e.g., switches, remains fixed and is not variable.

In view of the foregoing, it is submitted that the claims of the application are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,  
/Michael J. Feller/  
Michael J. Feller  
Registration No. 59,296

Customer No. 22859  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

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